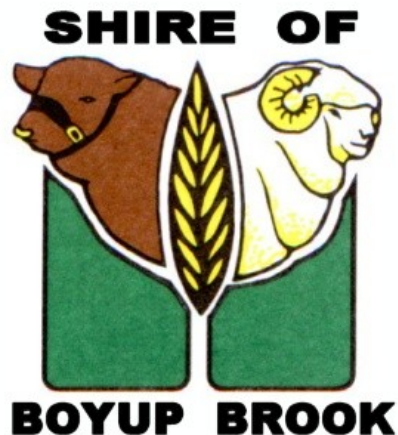


MINUTES



ORDINARY MEETING

HELD

THURSDAY 21 JULY 2011

COMMENCED AT 3.31PM

AT

SHIRE OF BOYUP BROOK CHAMBERS
ABEL STREET – BOYUP BROOK

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1 RECORD OF ATTENDANCE/APOLOGIES/LEAVE OF ABSENCE PREVIOUSLY APPROVED

1.1 Attendance

Cr T Ginnane – Shire President
Cr E Biddle
Cr T Doust
Cr P Marshall
Cr E Muncey
Cr T Oversby

STAFF: Mr Alan Lamb (Chief Executive Officer)
Mr Keith Jones (Manager of Finance)
Mr John Eddy (Manager of Works & Services)
Mrs Maria Lane (Executive Assistant)

PUBLIC: Nil

1.2 Apologies

1.3 Leave of Absence

Cr M Giles – Deputy Shire President
Cr B O'Hare

2 PUBLIC QUESTION TIME

2.1 Response to Previous Public Questions Taken on Notice

Nil

2.2 Public Question Time

3 APPLICATIONS FOR LEAVE OF ABSENCE

Nil

4 PETITIONS/DEPUTATIONS/PRESENTATIONS/REPORTS

Cr Oversby attended the Blackwood River Valley Marketing Association meeting held on 12th July 2011, next month they are holding an AGM meeting.

Cr Biddle attended meeting on 16th July 2011 regarding age friendly communities.

Cr Biddle attended the Boyup Brook Tourism Association AGM meeting regarding promoting Bunbury to Albany route.

CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council - Thursday 16 June 2011

OFFICER RECOMMENDATION – ITEM 5.1

That the minutes of the Ordinary Meeting of Council held on Thursday 16 June 2011 be confirmed as an accurate record.

COUNCIL DECISION – ITEM 5.1

MOVED: Cr Biddle

CARRIED: Cr Muncey

That the minutes of the Ordinary Meeting of Council held on Thursday 16 June 2011 be confirmed as an accurate record subject to the following amendment:-

APPLICATION FOR LEAVE OF ABSENCE

MOVED: Cr O’Hare

SECONDED: Cr Muncey

That Cr Giles be granted leave for the July 2011 ordinary meeting of Council

CARRIED 8/0

CARRIED 6/0

Res 127/11

5 PRESIDENTIAL COMMUNICATIONS

Nil

6 REPORTS OF OFFICERS

Nil

7.1 MANAGER WORKS & SERVICES

Nil

7.2 **MANAGER – FINANCE**

7.2.1 Accounts for Payment

Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/1/002</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 July 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – List of Accounts Paid</i>

SUMMARY

Report recommends the acceptance and approval of the Schedule of Accounts for Payment.

BACKGROUND

Invoices have been received during the month of June 2011.

COMMENT

Accounts are presented for consideration (see appendix 7.2.1) or where paid by direct debit pursuant to the Council's "Authorisation to Make Payments" policy.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations Act 1009, Regulation 12; and Regulations 13(3) (a) (b); 13(1); and 13(4).

POLICY IMPLICATIONS

Accounts are presented for consideration or where paid by direct debit pursuant to the Council's "Authorization to Make Payments" policy.

BUDGET/FINANCIAL IMPLICATIONS

Account payments are in accordance with the adopted budget for 2010/11 or authorized by separate resolution.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.1

MOVED: Cr Oversby

SECONDED: Cr Marshall

That the payment of accounts for June 2011 as presented totalling \$444,520.67 and as represented by cheque voucher numbers 18573 – 18617 totalling \$86,857.71, and accounts paid by direct electronic payments through the Municipal Account totalling \$531,378.38 be endorsed.

CARRIED 6/0

Res 128/11

7.2.2	June 2011 Monthly Statements of Financial Activity
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Location:	<i>Not applicable</i>
Applicant:	<i>Not applicable</i>
File:	<i>FM/10/003</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 July 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Financial Reports</i>

SUMMARY

Report recommends Council receive the Balance Sheet and Operating Statement for the month ended 30 June 2011 and Investment Schedule for the month ended 31 July 2011.

BACKGROUND

Section 6.4 of the Local Government Act 1995 places financial reporting obligations on local government operations.

Regulation 34 (1)–(4) of the Local Government (Financial Management) Regulations 1996 requires the local government to prepare a ‘Monthly Statement of Financial Activity’.

The regulations also prescribe the content of the report.

The reports are attached – see appendix 7.2.2

COMMENT

Nil

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Local Government (Financial Management) Regulations 1996, s34 (1) (a)
Local Government (Financial Management) Regulations 1996, s19 (1) (2) (a) (b)
Local Government (Financial Management) Regulations 1996, s34 (2) (a) (b)

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.2

MOVED: Cr Doust

SECONDED: Cr Oversby

That the June 2011 Monthly Statements of Financial Activity as presented, be received.

CARRIED 6/0

Res 129/11

7.2.3 Boyup Brook Tourism Association – electricity charges

Location:	Reserve 12315
Applicant:	Boyup Brook Tourism Association Inc
File:	
Disclosure of Officer Interest:	None
Date:	12 July 2011
Author:	Keith Jones
Authorizing Officer:	Not applicable
Attachments:	Yes – letter and statement of payments

SUMMARY

The purpose of this report is to bring before Council the Boyup Brook Tourism Association Inc (BBTA) request for a contribution toward electricity costs and to recommend that it be agreed to.

BACKGROUND

A payment was made in January 2010 to the Boyup Brook Tourism Association as a subsidy for electricity paid in the previous twelve months.

The current lease provides for the Premises to be the whole of Reserve 12315. That is the whole of the land bounded by Bridge Street, Forrest and Abel Streets and so includes the park and all improvements. The lessee is to pay for all outgoings which, according to the lease, includes all rates, taxes, charges, assessments, outgoings and impositions whatsoever (Shire and water rates etc). The lessee is to pay all charges for water consumption, electricity, gas, telephone and meter readings for the Demised Premises (that is they pay for all costs associated with the park and buildings). The lessee is to maintain the Demised Premises in good clean and substantial tenantable repair and condition to the reasonable satisfaction of the lessor (this is taken to be maintenance of the land and the buildings because these constitute the premises). There is also a repainting and re-papering clause that adds further burden to the lessee.

The rent is \$1.00 per year.

COMMENT

BBTA is working with Council staff on a new lease and it was hoped that a draft would be with Council before the end of the financial year. Since this is still to be completed reference has been made to the current ongoing arrangements made with a previous lease that has since expired.

In the interim it is suggested that whilst it appears the BBTA is responsible for the electricity charges it is not equitable for it to pay for usage in the park and public toilets. The BBTA seeks a contribution toward charges this year. Based on previous year's charges it appears that the amount of \$300.00 is still appropriate for the 2010/2011 financial year.

CONSULTATION

Chief Executive Officer

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

As the 2011/2012 Budget is not finalised provision can be made for this request.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.2.3

That Council

- 1. Include in the 2011/12 draft budget to make provision for expenditure of \$300 for Electricity for the Boyup Brook Tourist Centre.**
- 2. agree to the Boyup Brook Tourism Association Inc request and make a contribution of \$300 toward electricity charges for Reserve 12315.**

COUNCIL DECISION – ITEM 7.2.3

MOVED: Cr Oversby

SECONDED: Cr Biddle

- 1. That the budget be amended to make provision for expenditure of \$550.23 for Electricity for the Boyup Brook Tourist Centre.**
- 2. That Council agree to the Boyup Brook Tourism Association Inc request and make a contribution of \$550.23 toward electricity charges for Reserve 12315.**

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 130/11

Note: The amount has been amended as invoices were provided from the Boyup Brook Tourism Association showed the total cost to be \$1100.45 and the intention was to seek 50% from Council.

CONFIDENTIAL MATTER – see item 11

The meeting was closed to the public at 3.46pm and reopened at 4.21pm. All staff other than the Chief Executive Officer left the meeting during this session.

7.2.4 Sale of property for Payment of Outstanding Rates

Location:	<i>Lot 51 Plan 56361</i>
Applicant:	<i>Not applicable</i>
File:	<i>Ass 15143</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 July 2011</i>
Author:	<i>Keith Jones – Manager of Finance</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Yes – Confidential Report due to the personal affairs of any person.</i>

SUMMARY

Report recommends the consideration of rates recovery by sale of property.

BACKGROUND

The property is identified with Assessment Number 15143. The property rates have not been paid since 4th June 2008 and an amount of \$3,420.66 is outstanding and increasing daily at a rate of 11% per annum. The rates for 2011-2012 are to be raised shortly and will add a further \$800 or more to the outstanding amount.

As the Shire of Boyup Brook has no specific policy relating to debt collection, the normal standard business collection practices and the use of a collection agency, Austral Mercantile Collections Pty Ltd, since July 2009 have been ineffective in obtaining payment.

The Local Government Act 1995 states:

Subdivision 6 — Actions against land where rates or service charges unpaid 6.64.

Actions to be taken

- (1) If any rates or service charges which are due to a local government in respect of any rateable land have been unpaid for at least 3 years the local government may, in accordance with the appropriate provisions of this Subdivision take possession of the land and hold the land as against a person having an estate or interest in the land and —
 - (a) from time to time lease the land;
 - (b) sell the land;
 - (c) cause the land to be transferred to the Crown; or
 - (d) cause the land to be transferred to itself.
- (2) On taking possession of any land under this section, the local government is to give to

- the owner of the land such notification as is prescribed and then to affix on a conspicuous part of the land a notice, in the form or substantially in the form prescribed.
- (3) Where payment of rates or service charges imposed in respect of any land is in arrears the local government has an interest in the land in respect of which it may lodge a caveat to preclude dealings in respect of the land, and may withdraw caveats so lodged by it.

An email was received on Friday 17 June 2011 from Austral Mercantile Collections detailing the following information about selling of property:

A PSSO (property seizure and sale order) for land is like a caveat but it means we can use the courts and sell through a public auction. So we need to Register a Certified PSSO on the title, then obtain a Certified Certificate of Title from Landgate. We then sent the Cert CT to the bailiff along with a deposit and they make enquiries with Mortgagee, Watercorp and yourselves to establish how much debt is against the land. Then he makes enquiries with Real Estate agents to make sure there is enough equity to sell. Once that is satisfied, he gives the go ahead to the Real Estate agent to set a public auction. It costs around \$2,000 to proceed with all the costs will be paid back at settlement. It takes around 6 months to sell once the bailiff receives the order.

I also confirm that Austral can provide documentation to prove all has been done to recover the outstanding rates.

Kind regards

Corrina Wright

Account Manager

COMMENT

Although the Act allows four options under section 6.64 (1) it is recommended that Section 6.64(1)(b) sell the land is appropriate in this case. There are a number of prescribed processes to be carried out as directed by the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 and this will require the Council delegating the CEO the authority to carry out these steps.

CONSULTATION

Debt Collection Agency
Finance Officer

STATUTORY OBLIGATIONS

Local Government Act 1995 – Section 6.64

Local Government (Financial Management) Regulations 1996, Regulations 72-74.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Costs are recoverable and so will have no impact.

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Absolute Majority

4.24pm – Keith Jones left the Chambers.

4.26pm – Keith Jones returned to the Chambers.

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.2.4

MOVED: Cr Biddle

SECONDED: Cr Doust

That the Chief Executive Officer be authorised to take immediate action for the recovery of rates on Assessment 15143 by the sale of property process as determined by the Local Government Act Section 6.64(1)(b).

CARRIED BY ABSOLUTE MAJORITY 6/0

Res 131/11

7.3 CHIEF EXECUTIVE OFFICER

Item 7.3.1 withdrawn by the Chief Executive due to a potential/perceived conflict of interest with same form being the applicant and assessor of this subdivision referral from WAPC.

7.3.1 Subdivision Application (WAPC Ref 144338) Banks Road

Location:	<i>Lots 1957 Banks Road</i>
Applicant:	<i>Thompson McRobert Edgeloe Group</i>
File:	<i>AS15107</i>
Disclosure of Officer Interest:	<i>Geoffrey Lush is employed by TME</i>
Date:	<i>11th July</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	
Attachments:	<i>1 – Location Plan 2 - Proposed Subdivision Plan 3 – BBR5 Policy Area Plan 4 – Alternative Recommendation</i>

7.3.2 Planning Application – Oversized outbuilding on residential lot - Boyup Brook

Location:	<i>Lot 550 Bridge Street, Boyup Brook</i>
Applicant:	<i>Anthony & Lynne Schreurs</i>
File:	<i>A 1780</i>
Disclosure of Interest:	<i>Nil</i>
Date:	<i>2nd July 2011</i>
Author:	<i>Wayne Jolley Building Surveyor</i>
Authorising Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>- Site plan for the proposal</i>

SUMMARY

The owners of the above lot propose to build a 10m x 6m extension to an existing shed/carport on their property, which will increase the outbuilding area beyond that allowed by Council Policy. Additionally, the proposed development will encroach on the 7.5m street-front setback. This report recommends that the application be approved.

BACKGROUND

The land is situated on Bridge Street within the town-site Residential zone. The area of the lot is 2039m² and is bounded by other residential lots. The owner wishes to construct a 10m x 6m x 2.5m high, (60m²) extension to an existing 9m x 12m (108m²) zincalume shed/carport. It is proposed that the new carport will approximately align with the street-front building line of the house, which is 7.5m from the front boundary. However, it will have a reduced setback of between 6.9m (north end) and 5.5m (south end), due to a slight truncation in the front boundary.

It is intended to use the new shed for storage of vehicles.

COMMENT

Under Council Policy No P.04 – Outbuildings, a Residential/Urban block greater than 1,012m, is permitted a total outbuilding area of 120m² with any individual outbuilding no more than 100m².

This proposal does not comply with the Policy or the Town Planning Scheme in three respects:

- The total outbuilding area will exceed the permitted 120m² by 48m²; and
- The individual outbuilding area will exceed the permitted 100m² by 68m².
- The minimum front setback of 7.5m.

The proposal does meet other requirements of the Policy such as height and boundary setbacks. Lot 550 is the product of amalgamating two residential lots and is consequently double the size (2039m²) of average town residential lots. The site, which rises to the Bridge Street frontage is already cut and retained so that the height of the carport as seen from the street, is reduced to a maximum of 1.7m above ground level. Street-front visual impact is further reduced by existing native trees and shrubs. Accordingly, the area, height, positioning and use of the proposed extension are such that visual or amenity impact for neighbours and street users will be negligible.

The Policy permits Council to consider a planning application outside the domain of the standards relating to permitted areas but states that Council will require that:

- *The proposed outbuilding(s) are of masonry construction or clad in factory applied colorbond or zincalume;*
- *The height of any opening to the outbuilding(s) is less than 3.0m;*
- *The ridge/gable height is less than shown in the table (4.5m);*
- *The outbuilding(s) must be totally or partially screened from the street by a dwelling and/or landscaping capable of reaching a height equivalent to the eave height of the outbuilding(s) upon maturity;*
- *Your proposal will not have a detrimental effect on your neighbours or on the street in general.*

All of these additional requirements are met by the proposal.

In terms of the minimum setback, the Residential Design Codes (RDC) stipulates 7.5m for R10 development. However, the RDC permits a lesser setback where the following objective can be met: *Outbuildings that do not detract from the streetscape or the visual amenity of residents or neighbouring properties.* This proposal satisfies all but one of the related criteria in the RDC and its guidelines (i.e. the minimum setback); however, Council may approve a reduction.

In this instance the proposed setback is between 6.9m (north end) and 5.5m (south end). The variation is created by a slight truncation in the street boundary. The author has discussed the proposal with consultant Planner Geoffrey Lush who also supports a reduced setback because:

- The outbuilding largely meets criteria stipulated by the RDC and its guidelines; and
- The proposal meets the relevant stipulated objective of the RDC.

CONSULTATION

Consultant Planner – Geoffrey Lush.

STATUTORY ENVIRONMENT

Shire of Boyup Brook Town Planning Scheme No 2

POLICY IMPLICATIONS

Council Policy No P.04 - Outbuildings

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Compliance with adopted policies and Shire Boyup Brook Town Planning Scheme No 2 will ensure Council's objectives for the Residential Zone are maintained.

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.2

That planning approval be granted to Mr and Mrs Schreurs to erect a carport extension of 60m² to the existing outbuilding (shed/carport), on Lot 550 Bridge Street, in accordance with the site plan and shed plans submitted with this planning application.

COUNCIL DECISION – ITEM 7.3.2

MOVED: Cr Oversby

SECONDED: Cr Muncey

That planning approval be granted to Mr and Mrs Schreurs to erect a carport extension of 60m² to the existing outbuilding (shed/carport), on Lot 550 Bridge Street, in accordance with the site plan and shed plans submitted with this planning application on the condition that existing screening vegetation be maintained or replaced if it dies by the current or subsequent owners.

CARRIED 6/0

Res 132/11

NOTE

Council saw the need to ensure that the vegetation screen to Bridge Street would be retained and maintained.

Proximity Interest

Cr Marshall declared a proximity interest in the item 7.3.3 on the basis that he is an adjoining landowner.

7.3.3 Land Clearing Application Six Mile Road

Location:	<i>Lot 8 Six Mile Road Mayanup</i>
Applicant:	<i>TH Mondy & Co</i>
File:	<i>AS15232</i>
Disclosure of Officer Interest:	
Date:	<i>14th July 2011</i>
Author:	<i>Geoffrey Lush (Council's Consultant Planner)</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>1 – Location Plan</i>

SUMMARY

The Department of Conservation and Environment has referred to Council for comment an application to clear 9 hectares of bushland on Lot 8 Six Mile Road.

The subject land is owned by T & A Mondy.

The application is supported as it is seeking to develop the land for farming purposes in accordance with the objectives of the Scheme and Rural Strategy.

BACKGROUND

The Department of Conservation and Environment has referred to Council for comment an application to clear 9 hectares of bushland on Lot 8 Six Mile Road. Lot 8 has an area of 218 hectares and is located on Six Mile Road as shown in Attachment 1.

Lot 8 has been developed for general farming and is largely cleared with some vegetation along the drainage lines.

The clearing is proposed to allow for additional farming.

Approval for the clearing is required under the Environmental Protection Act 1986. In accordance with Section 51E (4) the application has been referred to Council for comment. In addition to any environmental issues the Department is seeking confirmation that the proposal is consistent with Council's Town Planning Scheme.

COMMENT

The objectives of the Town Planning Scheme and Rural Strategy are documented in the following sections. These strongly promote the protection and development of the agricultural base. While the retention of vegetation is referenced this promoted more strongly in the catchment areas.

The application does not require any approval under the Town Planning Scheme.

In considering this application Council can:

- Elect not to comment;
- Support the application;
- Support the application subject to conditions;
- Offer no objection to the application; or
- Object to the application.

The application is supported as it is seeking to develop the land for farming purposes in accordance with the objectives of the Scheme and Rural Strategy.

CONSULTATION

None

STATUTORY ENVIRONMENT

Town Planning Scheme

The subject land is zoned 'Rural' in Town Planning Scheme No.2. The surrounding area is generally zoned 'Rural'.

The objectives of the Scheme include:

To protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas.

Clause 5.1 of the Scheme states that in considering applications for subdivision, rezoning and planning consent in the Rural zone, Council shall have regard to:

- i) *the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;*
- ii) *the need to protect the area from uses which will reduce the amount of land available for agriculture;*
- iii) *the need to preserve the rural character and rural appearance of the area; and*
- iv) *where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.*

The application is considered to be consistent with these objectives.

Local Rural Strategy

Within the Strategy the subject land is situated in the BBR2 Western Policy Area.

The objectives for this precinct include:

- *Provide for the sustainable use of land within the Rural zone for a range of rural pursuits.*
- *Support the continuation of traditional broad acre farming while encouraging agricultural diversification and appropriately located and well managed rural settlement opportunities to stimulate/support the future growth of Boyup Brook.*
- *Facilitate co-existence of traditional farming, tree plantations and intensive agriculture, while providing for tourism and associated value adding opportunities.*

Recommendation 37 of the Strategy states that:-

Encourage development proposals that offer tangible measures to protect and enhance the remaining native vegetation within freehold land, particularly within strategically important riparian zones.

POLICY IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

STRATEGIC IMPLICATIONS

None

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.3

MOVED: Cr Doust

SECONDED: Cr Muncey

That Council advise the Department of Conservation and Lands that:

- 1. That Council notes the application to clear a portion of Lot 8 DP24835 Six Mile Road Mayanup;**
- 2. The application does not require any approval under Council’s Town Planning Scheme; and**
- 3. The clearing and any possible burning of the timber is required to comply with the provisions of Council’s Firebreak Order.**

CARRIED 5/0

Res 133/11

7.3.4 Renaming of Road Reserve – "Condinup Road"

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Interest:	Nil
Date:	1 July 2011
Author:	Geoff Carberry Senior Admin Officer
Authorizing Officer:	Alan Lamb – Chief Executive Officer
Appendices:	Nil

SUMMARY

Renaming of Road Reserve

Due to a change in policy by Landgate, "Condinup West" was not accepted by the Geographical Locations committee therefore it is now required that Council reconsider the preferred name of this road reserve.

BACKGROUND

At the 19 May 2011 council meeting the following was decided.

COUNCIL DECISION – ITEM 7.3.9

MOVED: Cr Doust

SECONDED: Cr Oversby

1. That the Chief Executive Officer writes to the Department for Regional Development and Lands to request:
 - 1.1 that the extent of Condinup Road be between Boyup Brook North Road and the end of the road reserve being 723.28m east of Gibbs Road.
 - 1.2 That the constructed section of the road west of Boyup Brook North Road to a point 230 metres east of the western boundary of lot 8542 on plan 140385 located within the road reserve be separately named.
2. That "Condinup West Road" be recommended to the geographical committee as the preferred name of this road.

This action was carried out but the name Condinup West was denied.

The original cause of this action is as follows.

The introduction of the rural numbering scheme has highlighted several discrepancies of the way roads have been formed within road reserves. The road reserve containing Condinup Road extends from the Donnybrook - Boyup Brook Road in an easterly direction to a point 713.28 east of Gibbs Road.

The section between Donnybrook - Boyup Brook Road and Boyup Brook North Road has never been officially constructed, although a section of this reserve has been used and improved by a property owner to the extent that it is now treated as a part of Condinup Road.

Between Boyup Brook North Road and Gibbs Road lies a constructed and maintained surface which is officially known as Condinup Road.

The section of the reserve east of Gibbs Road is also maintained by the Shire.

As the section between Donnybrook - Boyup Brook Road and Boyup Brook North Road is not likely to be fully completed it would be difficult to have the starting point for rural numbering beginning half way through a reserve.

Landgate has suggested the following

- Starting point of Condinup Road be North Boyup Brook Road travelling in an easterly direction until the end of the reserve.
- The section west of Boyup Brook North road be separately named, to reduce confusion it is suggested to use Condinup West as the road name.
- The start of the road for rural numbering be Boyup Brook North Road intersection.

An extract of the letter received from the Geographical Locations committee

Unfortunately, the road name of "Condinup West Road" is unsuitable due to there being a Condinup Road and Condinup Crossing Road nearby and that double names including those containing north, south etc are no longer suitable due to confusion that has arisen in emergencies in the past as well as for the public.

Duplicated or similar sounding names are to be at least 50km distant, and also in a different shire, to be considered for suitability.

Therefore, could Council please provide another name for this portion of road?

*To give a few ideas the name could:
have historical significance for the area
be that of an early pioneer
be a name of the type of crops that are grown in the area
be a breed of animal farmed there
or a name of a nearby feature.*

COMMENT

Names currently on the Shires register are Hales, Fuller, Gregory, Lloyd, Moulton, Smith, Sinnott, Wauchope.

These were submitted for an indication of acceptability, with the following reply

I have checked through all of the names you forwarded and unfortunately, except for one, all are duplicated or have a similar sounding name within 50km.

HALES – Hale Road, Orchid Valley 42km SE

FULLER – Fullerton Road, Catterick 28km SW

GREGORY – Gregory Street, Dinninup (also 8 in adjoining shires)

LLOYD – Lloyd Road, Darkan & Duranillin 44km NE

MOULTON – Moulton Street, Bridgetown 32km SW

SMITH – 12 in adjoining shires

MOORE – Moore Road, Wilga, Moore Road, Benjimup and Moore Rogers Road (as you mentioned) in the localities of Dinninup, McAlinden and Trigwell.

WAUCHOPE – Wauchope Road, Southampton 40km W

Suitable:

SINNOTT – nothing similar sounding

Whilst the name Sinnott is not directly linked to the area concerned it is the only available option.

CONSULTATION

June Gronow - Geospatial Information Officer
Geographic Names
Location Products and Services
Landgate
John Eddy - Manager of Works

STATUTORY ENVIRONMENT

Nil

FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER RECOMMENDATION – ITEM 7.3.4

1. That “Sinnott” be recommended to the geographical committee as the preferred name of the constructed section of the road west of Boyup Brook North Road to a point 230 metres east of the western boundary of lot 8542 on plan 140385 located within the road reserve.

4.34pm – Cr Muncey left the Chambers.

4.35pm – Cr Muncey returned to the Chambers.

COUNCIL DECISION – ITEM 7.3.4

MOVED: Cr Doust

SECONDED: Cr Biddle

1. That “Glen View” be recommended to the geographical committee as the preferred name of the constructed section of the road west of Boyup Brook North Road to a point 230 metres east of the western boundary of lot 8542 on plan 140385 located within the road reserve.

CARRIED 6/0

Res 134/11

Note: Name changed because of local regional significance.

7.3.5 Reserve 44608 – Boyup Brook CRC proposed additions

Location:	<i>Reserve 44608 84 Able Street</i>
Applicant:	<i>Boyup Brook Community Resource Centre</i>
File:	<i>AS2018</i>
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 July 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of correspondence from CRC, copies of Landgate information obtained by Administration</i>

SUMMARY

The purpose of this report is to put the Boyup Brook Community Resource Centre's (CRC) application for permission to extend Council's building at 84 Abel Street with the recommendation that approval be given subject to a site plan being provided that shows the lot, existing structures and the proposed new work.

BACKGROUND

The CRC has occupied the Shire building at 84 Abel Street for a number of years. The CRC has applied for and been granted funds to do extensions to the building and now seeks Council approval.

COMMENT

There are a number of facets to approval process, because the Shire is the owner of the building the CRC needs Council's approval to do the works. In addition to this it will need to make a planning then building application and these will come later. So Council is dealing now with a request from its tenant to do work on Council's building.

The attached correspondence shows some of the building detail but CRC has not provided a site plan as yet and so, it is suggested, Council could not consider the matter until this is before it. CRC is working on a site plan and one should be available for the Council meeting day.

Council may recollect that the last time the building was extended it encroached into the adjoining Reserve. It's apparent from current Landgate information that the boundary adjustment has not been made as yet. The attached images show the extent of the encroachment (looks to be around 7metres). The site plan may need to be supported by a survey to ensure that matters such as boundaries are correctly shown and it's not clear at this stage if a survey is part of the intended works.

The information supplied does not indicate if there is any impact on other structures on the site, parking space etc but the site plan should clarify these matters.

CRC requests that building licence fees charged by Council be waived but has not mentioned the planning fees. The fees are based on the value of the works and this information has not been provided as yet so it is not possible to ascertain the relevant charge at this time. However it is recommended that Council agree to donate the cost of

planning and building fees charged by Council by a cash payment to CRC and require that they pay the fees. This aspect can be dealt with later when the relevant applications come in and fees are calculated.

CONSULTATION

The author has spoken with the applicant's representatives.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not known at this time and the suggested donation has not been budgeted for. Planning and building fee income as set out in the draft budget is based on past levels of income.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.5

That Council, as the building owner, approve the Boyup Brook Community Resource Centre's application for permission to extend Council's building at 84 Abel Street subject to a site plan being provided that shows the lot, existing structures and the proposed new work.

COUNCIL DECISION – ITEM 7.3.5

MOVED: Cr Oversby

SECONDED: Cr Muncey

1. **That Council, as the building owner, approve the Boyup Brook Community Resource Centre's application for permission to extend Council's building at 84 Abel Street subject to a site plan being provided that shows the lot, existing structures and the proposed new work.**

2. A site survey to be provided by Council at its cost.

CARRIED 6/0

Res 135/11

NOTE

Administration noted to Council that the previous extension had encroached into the adjoining Reserve and suggested it would be wise to have the site surveyed.

7.3.6 Reserve 5132 – Blackwood Basin Group Application to do works

Location:	<i>Reserve 5132 Jays Road</i>
Applicant:	<i>Blackwood Basin Group</i>
File:	
Disclosure of Officer Interest:	<i>None</i>
Date:	<i>14 July 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Not applicable</i>
Attachments:	<i>Copy of information provided by BBG, information obtained from Landgate by Administration</i>

SUMMARY

The purpose of this report is to put before Council the application from the Blackwood Basin Group (BBG) to do works on Reserve 5132 with the recommendation that approve the Blackwood Basin Group's proposed works for the purposes of its grant funding application on the basis of Council being involved in the planning phase.

BACKGROUND

The Reserve has been managed by the Shire since 1899 and its original "Purpose" was Recreation Ground and Agricultural Hall. The current "Purpose" is Municipal Depot Site and the current use is camping ground.

The BBG has done work on the Reserve in the past and wants to apply for grant funding to continue this work and needs Shire support for the funding application.

COMMENT

The Reserve is used annual as part of the Blackwood Marathon event and occasionally as a short term camping place. BBG want to seek funding to continue its works there. The proposed works include weed management, signage, pathways, improved camping facilities, site degradation better river access for canoes etc, and the like.

BBG needs a letter of support from Council for its funding application. It has not done any planning as yet as this will be an early stage of the project when and if they get the funding sought. They have not sought any funding from Council.

It is suggested that this offers and ideal opportunity to partner with the BBG on a project to improve a Shire managed Reserve. The area is ideally located next to the Blackwood River but lacks good river access, weeds a prevalent and things like revegetation and signage (that includes fire information etc) would make the area more appealing/usable.

It is recommended that Council approve of the idea of the Reserve being upgraded on the understanding that it will be involved in the planning process.

CONSULTATION

The author has spoken with BBG representatives.

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil at this time however when and if BBG is successful with its funding application Council may wish to look at part funding some aspects of the improvements (there are grant opportunities for facilities such as boat ramps on a 50/50 basis) to encourage better use of the river.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues other than that the project is aimed at improving the environment at the Reserve and at the same time improving its utility.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.6

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council approve the Blackwood Basin Group's proposed works on Reserve 5132 for the purposes of its grant funding application on the basis of Council being involved in the planning phase.

CARRIED 6/0

Res 136/11

7.3.7 Annual Awards – Process Policy - Review

Location:	N/A
Applicant:	N/A
File:	
Disclosure of Officer Interest:	None
Date:	14 July 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Current policy, survey form and results

SUMMARY

The purpose of this report is to bring the matter of the policy review back before Council with recommendations on amendments.

BACKGROUND

Council passed the following resolution at its March 2011 meeting:

That Administration review Council’s Annual Award – Process Policy, that the review includes a process to obtain residents opinions and recommendations on the number and nature of the awards, and that the results with recommendations be put to the July meeting of Council.

Councillor Biddle provided the attached survey form which was distributed via an inclusion in the Boyup Brook Gazette, placed on notice boards, at the front counter and on the web site.

COMMENT

The current policy sets:

- the makeup of the selection panel (four Councillors and the CEO)
- award categories and selection criteria – Citizen of the Year, Young Achiever of the Year and Sports Person of the Year
- announcement and presentation arrangements – announcement made certificate and gift given (to a value of no more than \$100) at the Australia Day Breakfast function.
- Closing date for nominations – 4pm on the last Friday in November.

The Local Government Act provides that Council may delegate to a committee that it appoints or to the CEO but it does not provide for delegation to a section panel. In appointing committees and delegates following the 2009 general elections it was recommended and Council accepted, that the panel become a committee of Council. At the relevant Council meeting Council did not want the CEO to be a member of the committee and so the policy amendments need to include a change from a panel to a committee and deletion of the CEO as a member. It has been the practice that in order to keep the names of awardees confidential to limit the number of people who know who

they are and so the policy should also require that the minutes of the committee are put to the February meeting or Council, that is after Australia Day, each year.

“Referring to the survey summary as attached there is no overwhelming call for award categories to be increased. Whilst more respondents thought that it should be possible for more than one person to receive an award in the same category (12 for 7 against) three who favoured this did so with riders (one being that “if it can’t be split and both are worthy candidates”, “one boy and one girl” and “two or more for the same contribution eg couple, family not two sperate individuals”). It is noted that one person against added the rider “unless recognising a partnership” and a person who was undecided added a similar comment that only “if it’s a married couple who have both worked for the community even in different fields”.

Based on the survey it is recommended that no change be made to the number of award categories except as set out in the next paragraph also that the policy be amended to allow the committee some discretion with respect to the awarding recognition to more than one person where they are in a partnership or the same family.

The survey dealt with the matter of Young Achievers residing outside Boyup Brook (the current policy restricts nominations to residents of Boyup Brook only) but the results were inconclusive. Residency is relatively easy to establish (address on drivers licence, address nominated for elections, addresses used by banks and other institutions, statutory declaration etc) and as the awards are common thought the various municipalities of the state it is logical that achievements made in any particular location be recognised in that location. However there may be need to recognise a past resident who has made a significant achievement. Examples might be of a person who was born of spent most of their formative years in the Shire and go to win gold at the Olympic or become Prime Minister. So perhaps, whilst there was no great call for an additional category, perhaps one could be added to recognise the achievements made outside the district by non residents who have a distinct tie to Boyup Brook.

On the matter of awardees receiving the same award in a later year the survey result was 12 for and 8 against. Also the question on awardees receiving awards in more than one category was 19 for and 1 against. It is not noted that the current policy does not prevent an awardee being renominated and the selection panel is not restricted on this matter nor is there any restriction on awards in different categories. It is recommended that no change be made to the policy in this regard to retain the current flexibility.

Survey questions relating to the nomination process dealt with things outside of the current policy and so may be best dealt with by the committee/administration.

The survey dealt with awards and it was clear that laser engraved jarrah plaques were favoured as was a letter from the Shire regarding the award. It is recommended that the policy include these clear indications of community preference. In order to ensure that the laser engraved jarrah plaques can be ordered and received in time the committee decision is required by the end of November each year and so it is recommended that the committee be required to have it decision by the end of November and, in turn, the closing date for nominations be brought forward from the last Friday in November to 21 November.

The current policy does not restrict the committee to requiring more than one nomination before making an award and the survey indicted that no restriction should be made.

The policy makes no reference to recognition on nominees but the survey indicated this should be done and so it is recommended that the policy be amended accordingly.

It is recommended that amends its Annual Awards - Process Policy to read as follows

POLICY NO.	O.11
POLICY SUBJECT	Annual Award - Process
ADOPTION DATE	17 June 2004
VARIATION DATE	21 July 2011
REVIEW BY DATE	21 July 2013

Objective

To determine guidelines for awarding distinguished performance and/or positive contributions to the community by current and past residents.

Statement

The Shire will invite nominations marked confidential for the following Awards annually:-

- Citizen of the Year
- Young Achiever of the Year
- Sports Person of the Year
- Past Resident Achiever of the Year

Council will establish an Annual Awards Committee following the general elections every two years and the Committee shall comprise of four (4) Councillors. The Committee shall meet at least once following the close of award nominations each year. It should meet in camera to review nominations and make its awards and the nominations and awardees are to remain confidential until awards are made. To this end the minutes of this Committee are to be reported to Council at its February meeting each year following the presentation of awards. The following selection criteria shall be used by the Committee to determine the most suitable nominee. The committee may award recognition to more than one person where they are in a partnership or the same family:-

Citizen of the Year

- a resident who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year
- a resident who has achieved and/or contributed to the community consistently over a period of years.

Young Achiever of the Year

- a resident no older than 25 years of age on 26 January, who has achieved the most distinguished performance and/or made the most positive contribution to the community, during the preceding year

- a resident no older than 25 years of age on 26 January who has achieved and/or contributed to the community consistently over a period of years.

Sports Person of the Year

- a resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship
- resident which/who has achieved the most distinguished performance during the year. Performance may include active participation, coaching, promotion and/or leadership and sportsmanship consistently over a period of years.

Past Resident Achiever of the Year

- a former resident of the Shire who resided in the Shire for a substantial amount of time, made a significant contribution whilst they were a resident, or for some other compelling reason strongly identifies with the Shire and who has made a significant achievement in any field and in any location

General

The successful nominee(s), if any, shall be announced and presented with an appropriate plaque (laser engraved jarrah plaques that have been available in past years are considered to be the most appropriate plaque subject to availability) a letter from the Shire President evidencing the award, at the Australia Day Breakfast function hosted annually by the Shire.

Nominations must be made by 4.00pm on the 21st day of November of each year.

CONSULTATION

The process included a community survey

STATUTORY OBLIGATIONS

The following sections of the Local Government Act apply

5.16. Delegation of some powers and duties to certain committees

(1) Under and subject to section 5.17, a local government may delegate* to a committee any of its powers and duties other than this power of delegation.

* Absolute majority required.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

(3) Without limiting the application of sections 58 and 59 of the Interpretation Act 1984 —

(a) a delegation made under this section has effect for the period of time specified in the delegation or if no period has been specified, indefinitely; and

(b) any decision to amend or revoke a delegation under this section is to be by an absolute majority.

(4) Nothing in this section is to be read as preventing a local government from performing any of its functions by acting through another person.

5.17. Limits on delegation of powers and duties to certain committees

(1) A local government can delegate —

- (a) to a committee comprising council members only, any of the council's powers or duties under this Act except —
 - (i) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government; and
 - (ii) any other power or duty that is prescribed;
 - (b) to a committee comprising council members and employees, any of the local government's powers or duties that can be delegated to the CEO under Division 4; and
 - (c) to a committee referred to in section 5.9(2) (c), (d) or (e), any of the local government's powers or duties that are necessary or convenient for the proper management of —
 - (i) the local government's property; or
 - (ii) an event in which the local government is involved.
- (2) A local government cannot delegate any of its powers or duties to a committee referred to in section 5.9(2) (f).

[Section 5.17 amended by No. 49 of 2004 s. 16(2).]

5.18. Register of delegations to committees

A local government is to keep a register of the delegations made under this Division and review the delegations at least once every financial year.

5.42. **Delegation of some powers and duties to CEO**

(1) A local government may delegate* to the CEO the exercise of any of its powers or the discharge of any of its duties under —

- (a) this Act other than those referred to in section 5.43; or
- (b) the *Planning and Development Act 2005* section 214(2), (3) or (5).

* *Absolute majority required.*

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

[Section 5.42 amended by No. 1 of 1998 s. 13; No. 28 of 2010 s. 70.]

5.43. **Limits on delegations to CEO**

A local government cannot delegate to a CEO any of the following powers or duties —

- (a) any power or duty that requires a decision of an absolute majority or a 75% majority of the local government;
- (b) accepting a tender which exceeds an amount determined by the local government for the purpose of this paragraph;
- (c) appointing an auditor;
- (d) acquiring or disposing of any property valued at an amount exceeding an amount determined by the local government for the purpose of this paragraph;
- (e) any of the local government's powers under section 5.98, 5.98A, 5.99, 5.99A or 5.100;
- (f) borrowing money on behalf of the local government;
- (g) hearing or determining an objection of a kind referred to in section 9.5;
- (ha) the power under section 9.49A(4) to authorise a person to sign documents on behalf of the local government;
- (h) any power or duty that requires the approval of the Minister or the Governor;
- (i) such other powers or duties as may be prescribed.

[Section 5.43 amended by No. 49 of 2004 s. 16(3) and 47; No. 17 of 2009 s. 23.]

5.44. **CEO may delegate powers and duties to other employees**

(1) A CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under this Act other than this power of delegation.

(2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

- (3) This section extends to a power or duty the exercise or discharge of which has been delegated by a local government to the CEO under section 5.42, but in the case of such a power or duty —
- (a) the CEO's power under this section to delegate the exercise of that power or the discharge of that duty; and
- (b) the exercise of that power or the discharge of that duty by the CEO's delegate, are subject to any conditions imposed by the local government on its delegation to the CEO.
- (4) Subsection (3)(b) does not limit the CEO's power to impose conditions or further conditions on a delegation under this section.
- (5) In subsections (3) and (4) —
- conditions** includes qualifications, limitations or exceptions.
[Section 5.44 amended by No. 1 of 1998 s. 14(1).]

5.45. Other matters relevant to delegations under this Division

- (1) Without limiting the application of sections 58 and 59 of the *Interpretation Act 1984* —
- (a) a delegation made under this Division has effect for the period of time specified in the delegation or where no period has been specified, indefinitely; and
- (b) any decision to amend or revoke a delegation by a local government under this Division is to be by an absolute majority.
- (2) Nothing in this Division is to be read as preventing —
- (a) a local government from performing any of its functions by acting through a person other than the CEO; or
- (b) a CEO from performing any of his or her functions by acting through another person.

5.46. Register of, and records relevant to, delegations to CEO and employees

- (1) The CEO is to keep a register of the delegations made under this Division to the CEO and to employees.
- (2) At least once every financial year, delegations made under this Division are to be reviewed by the delegator.
- (3) A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Absolute majority

OFFICER RECOMMENDATION – ITEM 7.3.7

That Council adopts the revised Annual Award – Process policy as presented.

COUNCIL DECISION – LAY ON THE TABLE

MOVED: Cr Doust

SECONDED: Cr Biddle

That item 7.3.7 lay on the table.

CARRIED 6/0

Res 137/11

7.3.8 WALGA Annual General Meeting

Location:	N/A
Applicant:	N/A
File:	GR/31/002
Disclosure of Officer Interest:	None
Date:	15 July 2011
Author:	Alan Lamb – Chief Executive Officer
Authorizing Officer:	Not applicable
Attachments:	Executive and member motions

SUMMARY

The purpose of this report is to put before Council matters going to the Western Australian Local Government Association's (WALGA) Annual General Meeting (AGM) in August 2011 with a recommendation that Council give its delegate an indication of preferred voting.

BACKGROUND

Council delegates Councillors to attend the annual general meeting and to vote on matters. This year Cr Oversby has been delegated.

COMMENT

It is recommended that unless Council has strong feelings on a particular matter that it does not direct the delegate to vote in a certain way but that Council goes through the agenda (attached) and indicates its preferences. As the items are debated at the AGM new information may come out or compelling argument may be given and allowing the delegate some discretion may be advantageous.

CONSULTATION

Nil

STATUTORY OBLIGATIONS

Nil

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Nil

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known significant environmental issues.
- **Economic**
There are no known significant economic issues.
- **Social**
There are no known significant social issues.

VOTING REQUIREMENTS

Simple majority

OFFICER RECOMMENDATION – ITEM 7.3.8

That Council give its delegate to the 2011 Western Australian Local Government Association Annual General Meeting an indication on how it would like the delegate to vote on matters to be decided.

COUNCIL DECISION

MOVED: Cr Biddle

SECONDED: Cr Oversby

Rescind the motion - Item 7.3.12 held on 19 May 2011.

- 2 That Cr Oversby and Cr Biddle be appointed as voting delegates for the Western Australian Local Government Association Annual General Meeting.**

CARRIED 6/0

Res 138/11

**Three Councillors supported the rescision motion as follows:
Cr Ginnane – Shire President
Cr Biddle
Cr Oversby**

COUNCIL DECISION – ITEM 7.3.8

MOVED: Cr Biddle

SECONDED: Cr Oversby

1. That Council give its delegate to the 2011 Western Australian Local Government Association Annual General Meeting an indication on how it would like the delegate to vote on matters to be decided in accordance with Council's interest.
2. Cr Oversby and Chief Executive Officer be appointed voting delegates.

CARRIED 6/0

Res 139/11

NOTE

Council indicated support for all items on the WALGA agenda but did not want to restrict the delegates because there is often compelling argument or additional information given at the meeting.

7.3.9 Chief Executive Officer – Annual Performance Review

Location:	<i>Boyup Brook district</i>
Applicant:	<i>N/A</i>
File:	<i>N/A</i>
Disclosure of Officer Interest:	<i>The author has an interest in the matter in that it deals with his employment.</i>
Date:	<i>14 July 2011</i>
Author:	<i>Alan Lamb – Chief Executive Officer</i>
Authorizing Officer:	<i>Alan Lamb</i>
Attachments:	<i>Nil</i>

SUMMARY

The purpose of this item is to bring the matter of the Chief Executive Officer's (CEO) Annual Performance Review (APR) before Council in order to commence the process.

BACKGROUND

The CEO commenced service 18 August 2008 and the contract of employment provides for annual reviews as follows;

8. PERFORMANCE REVIEWS

The Council shall ensure that a review of the CEO's performance is conducted annually or more frequently if the Council or the CEO perceives there is a need to do so.

The Council shall give the CEO a minimum of ten working days notice in writing that a performance review is to be conducted to enable the CEO sufficient time to prepare.

Where an external facilitator is to be used, both parties shall agree to the nominated facilitator.

The CEO shall prepare and submit to the council and/or facilitator an assessment of his/her own performance prior to the assessment by the council.

The final report on the performance of the CEO is to be forwarded to the Council for it to consider and decide whether to accept or reject the report.

12.7 Annual review

- (1) The Remuneration Package shall be reviewed annually by the Council.

In a review under sub-clause (1):

there is no obligation on the Local Government to increase the salary or amount of the Remuneration Package; and

the Local Government shall not reduce the salary or the Remuneration Package.

The Local Government Act provides that meetings are to be open to the public also that some matters may be dealt with behind closed doors (see Statutory Obligations). Council may close to members of the public a part of a meeting dealing with matters affecting employees.

In dealing with this matter last year Council resolved as follows:

That Council commence the process of the Chief Executive Officer's Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract and advise that the Council has decided that an external facilitator be used and their preference is Mr. John Phillips from WALGA.

Following the review process Council resolved at its October 2010 meeting as follows:

That Council:

- 1. ADOPTS the 2010 Annual Performance Appraisal Report**
- 2. ENDORSES the overall rating of "Meets performance criteria at a satisfactory level".**
- 3. ENDORSES the performance criteria and indicators for the October 2011 review.**
- 4. ENDORSES commencement of the 2011 appraisal process by 1 June 2011, with the appraisal to be completed before the August 2011 Ordinary Council Meeting.**
- 5. REVIEWS the CEO's remuneration in accordance with the terms of the contract between Mr Lamb and Council.**

COMMENT

It will be noted that the review process is started by the Council giving the employee notice in writing that a performance review is to be conducted. Whilst this is included in the terms of the agreement, it is more often than not that the officer prepares a report to Council, similar to this report, to start the process because Council, quite rightly, relies on its administration to bring matters before it. Council may wish to commence the process by resolving that the Shire President writes to the CEO.

The terms of the agreement provides the option of an external facilitator to be used subject to agreement by both parties as to whom this is. The cost of using a facilitator tends to be in the order of \$3,000 depending on the extent of travel and time involvement. It is suggested that there may be no need for a facilitator, at least initially, unless Council felt the need for independent assistance/advice. The Executive Assistant would be able to

assist with the clerical aspects of the review process if Council chose to conduct it “in house”.

Council has in the past appointed a review committee. When Council appointed Committees in October 2009, following the elections, it did not appoint a committee for this purpose but could do so now it wanted to. There is no recommendation either way on this aspect as it is, from this officer's perspective, entirely a matter for Council to decide. There are arguments for and against having a committee conduct the review and, from experience, both systems work.

STATUTORY OBLIGATIONS

Section 5.23 of the Local Government Act has application.

5.23. Meetings generally open to the public

- (1) Subject to subsection (2), the following are to be open to members of the public —
 - (a) all council meetings; and
 - (b) all meetings of any committee to which a local government power or duty has been delegated.
- (2) If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —
 - (a) a matter affecting an employee or employees;
 - (b) the personal affairs of any person;
 - (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;
 - (d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting;
 - (e) a matter that if disclosed, would reveal —
 - (i) a trade secret;
 - (ii) information that has a commercial value to a person; or
 - (iii) information about the business, professional, commercial or financial affairs of a person,where the trade secret or information is held by, or is about, a person other than the local government;
 - (f) a matter that if disclosed, could be reasonably expected to —
 - (i) impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
 - (ii) endanger the security of the local government's property; or
 - (iii) prejudice the maintenance or enforcement of a lawful measure for protecting public safety;
 - (g) information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*; and

- (h) such other matters as may be prescribed.
- (3) A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Provision of \$3,000 has been made in the draft budget to cover the estimated cost of a consultant to assist Council with the process.

STRATEGIC IMPLICATIONS

Nil

SUSTAINABILITY IMPLICATIONS

- **Environmental**
There are no known environmental issues at this stage.
- **Economic**
There are no known economic issues at this stage.
- **Social**
There are no known social issues at this stage.

VOTING REQUIREMENTS

Simple Majority

COUNCIL DECISION & OFFICER RECOMMENDATION – ITEM 7.3.9

MOVED: Cr Biddle

SECONDED: Cr Muncey

That Council commence the process of the Chief Executive Officer’s Annual Performance Review by requesting that the Shire President write to the officer notifying of the review in accordance with the employment contract.

CARRIED 6/0

Res 140/11

COUNCIL DECISION

MOVED: Cr Muncey

SECONDED: Cr Marshall

Council provide in-house assessment of Chief Executive Officer’s review rather than employing an external facilitator.

CARRIED 3/3 CASTING FOR

Res 141/11

8.1 COMMITTEE REPORTS

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council deal with Items 8.1.1, 8.1.2 and 8.1.3 en bloc and receive the minutes of the Audit and Finance Committee held on 2nd May and 21st June 2011, Boyup Brook Tourism Association meeting held on 17th June 2011 and Blackwood River Valley Marketing Association held 10th May and 14th June 2011.

CARRIED 6/0

Res 142/11

8.1.1 Minutes of the Audit and Finance Committee

Location:	<i>Boyup Brook Shire Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 July 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

An Audit and Finance Committee meeting was held on 2nd May 2011 and 21 June 2011. Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.1*)

OFFICER RECOMMENDATION – ITEM 8.1.1

That the minutes of the Audit and Finance Committee Meeting held on 2nd May 2011 and 21st June 2011 be received.

8.1.2 Minutes of the Boyup Brook Tourism Association

Location:	<i>Boyup Brook Shire Chambers</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 July 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Boyup Brook Tourism Meeting was held on 17th June 2011.
Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.2*)

OFFICER RECOMMENDATION – ITEM 8.1.2

That the minutes of the Boyup Brook Tourism Association Meeting held on 17th June 2011 be received.

8.1.3 Minutes of the Blackwood River Valley Marketing Association
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Location:	<i>Balingup</i>
Applicant:	<i>N/A</i>
File:	
Disclosure of Officer Interest:	<i>Nil</i>
Date:	<i>12 July 2011</i>
Author:	<i>N/A</i>
Authorizing Officer:	<i>Alan Lamb – Chief Executive Officer</i>
Attachments:	<i>Yes – Minutes</i>

BACKGROUND:

A Blackwood River Valley Marketing Association was held on 10th May 2011 and 14 June 2011.

Minutes of the meeting are laid on the table and circulated (*refer to appendix 8.1.3*)

OFFICER RECOMMENDATION – ITEM 8.1.3

That the minutes of the Blackwood River Valley Marketing Association was held on 10th May and 14th June 2011 be received.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 URGENT BUSINESS BY APPROVAL OF THE PRESIDENT OR A MAJORITY OF COUNCILLORS PRESENT

MOVED: Cr Doust

SECONDED: Cr Marshall

That Council consider urgent business.

CARRIED 6/0

Res 143/11

10.1	Adoption of 2011/12 Budget
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<i>Location:</i>	<i>Not applicable</i>
<i>Applicant:</i>	<i>Not applicable</i>
<i>File:</i>	<i>FM/9/002</i>
<i>Disclosure of Interest:</i>	<i>Nil</i>
<i>Date:</i>	<i>21 July, 2011</i>
<i>Author:</i>	<i>Alan Lamb – CEO</i>
<i>Authorizing Officer:</i>	<i>Not applicable</i>
<i>Appendices:</i>	<i>Yes – Draft Budget</i>

SUMMARY

Consideration and recommendation to adopt the 2011/12 draft budget.

BACKGROUND

A copy of the 2011/12 draft budget has been provided to Councillors.

The budget has been prepared with due regard to the Plan for the Future/Strategic plan, decisions made by Council during the past twelve months and directions given to staff by the Chief Executive Officer.

COMMENT

As presented the draft budget allows for an overall, average rate increase for GRV (Gross Rental Values) properties and UV (Unimproved Values) of 3.00%.

The minimum rate prepared is \$640 for both UV and GRV, compared to \$620 in 2010/11.

Kerbside waste collection charges are to be increased from \$168 to \$176 per annum.

CONSULTATION

Councillors and senior staff.

STATUTORY OBLIGATIONS

Local Government Act 1995 Local Government (Financial Management) Regulations.

POLICY IMPLICATIONS

Nil

BUDGET/FINANCIAL IMPLICATIONS

Not applicable

STRATEGIC IMPLICATIONS

Adoption of the budget will enable Council to provide the necessary services and facilities to ratepayers and residents.

SUSTAINABILITY IMPLICATIONS

- **Environmental**
The budget reflects an increase in environmental initiations particularly with the employment of a part time Environmental Officer.
- **Economic**
There are no specific economic development initiatives however expenditure on capital building works and area promotion will achieve economic stimulus.
- **Social**
Maintenance of existing facilities, including roads, playing fields and recreation areas together with new capital works will ensure adequate facilities and services are maintained for the community.

VOTING REQUIREMENTS

Absolute Majority

OFFICER RECOMMENDATION – 10.1

1. **Fees & Charges**
That the Schedule of Fees & Charges as per Attachment 1 of the 2011/12 budget papers be adopted and that the Town Hall hire fees commence from the 19 August 2011.
2. **Minimum Rate**
That the Minimum Rate for the 2011/12 year be set at \$640.
3. **Rates in the Dollar**
That Council sets the Rates in the dollar for the 2011/12 year as:
 - Gross Rental Value (GRV) Rate – 0.115478 cents
 - Unimproved Value (UV) Rate – 0.004902 cents
4. **Kerbside Waste Collection**
1 x 240 litre bin per week commercial and residential \$176
5. **Due Date for Payment of Rates & Charges**
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (1) set the due date for the single payment of a rate and charges for the 2011/12 financial year to be 13 September 2011
6. **Due Date for Payments of Rate Instalments**
That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (2) set the due date for the payment of rate instalments for the 2011/12 financial year as follows:

First Instalment	13 September 2011
Second Instalment	15 November 2011
Third Instalment	17 January 2012
Fourth Instalment	14 March 2012

7. **Administration Charge on Instalments**
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$10 per rate instalment notice for the 2011/12 financial year where the instalment plan is selected.
8. **Interest on Rate Instalments**
That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 sets an additional charge by the way of Interest where the instalment plan is selected, an interest rate of 5.5% for the 2011/12 financial year.
9. **Late Payment Interest Charge**
That Council in accordance with Section 6.51 (1) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 70 set an interest rate of 11% for the 2011/12 financial year as penalty interest for the late payment of rates and charges.
10. **Reserve Funds**
That Council in accordance with Section 6.11 of the Local Government Act 1995 allocate funds to and from the Reserve Funds for the financial year ending June 30, 2012 as specified in the 2011/12 budget document.
11. **Trust Fund Budget**
That Council adopt the Trust Fund Budget for the financial year ending June 30 2012 as per the budget document.
12. **Annual Fees and Allowances for Election Members**
That the following Fees and Allowances for Elected Members for 2011/12 be set at:

Presidents Annual Local Government Allowance	\$ 5,750
Deputy Presidents Annual Local Government Allowance	\$ 1,438
Presidents Annual Attendance Fee	\$11,200
Councillors Annual Attendance Fee	\$ 5,600
Telecommunications Allowance	\$ 1,000

2011/12 Municipal Fund Budget

That the 2011/12 budget as presented incorporating the Schedule of Fees & Charges; Minimum Rate; Rates in the Dollar; Significant Accounting Policies and Annual Fees and Allowances for Elected Members be adopted.

COUNCIL DECISION – Item 10.1

MOVED: Cr Doust

SECONDED: Cr Biddle

1. **Fees & Charges**
That the Schedule of Fees & Charges as per Attachment 1 of the 2011/12 budget papers be adopted and that the Town Hall hire fees commence from the 19 August 2011.
2. **Minimum Rate**
That the Minimum Rate for the 2011/12 year be set at \$640.
3. **Rates in the Dollar**
That Council sets the Rates in the dollar for the 2011/12 year as:
 - Gross Rental Value (GRV) Rate – 0.115478 cents

- **Unimproved Value (UV) Rate – 0.004902 cents**

4. Kerbside Waste Collection

1 x 240 litre bin per week commercial and residential \$176

5. Due Date for Payment of Rates & Charges

That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (1) set the due date for the single payment of a rate and charges for the 2011/12 financial year to be 13 September 2011

6. Due Date for Payments of Rate Instalments

That Council in accordance with the Local Government Financial Management Regulations 1996 – Clause 64 (2) set the due date for the payment of rate instalments for the 2011/12 financial year as follows:

First Instalment	13 September 2011
Second Instalment	15 November 2011
Third Instalment	17 January 2012
Fourth Instalment	14 March 2012

7. Administration Charge on Instalments

That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 67 set an administration charge of \$10 per rate instalment notice for the 2011/12 financial year where the instalment plan is selected.

8. Interest on Rate Instalments

That Council in accordance with Section 6.45 (3) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 68 sets an additional charge by the way of Interest where the instalment plan is selected, an interest rate of 5.5% for the 2011/12 financial year.

9. Late Payment Interest Charge

That Council in accordance with Section 6.51 (1) of the Local Government Act 1995 and the Local Government Financial Management Regulations 1996 – Clause 70 set an interest rate of 11% for the 2011/12 financial year as penalty interest for the late payment of rates and charges.

10. Reserve Funds

That Council in accordance with Section 6.11 of the Local Government Act 1995 allocate funds to and from the Reserve Funds for the financial year ending June 30, 2012 as specified in the 2011/12 budget document.

11. Trust Fund Budget

That Council adopt the Trust Fund Budget for the financial year ending June 30 2012 as per the budget document.

12. Annual Fees and Allowances for Election Members

That the following Fees and Allowances for Elected Members for 2011/12 be set at:

Presidents Annual Local Government Allowance	\$ 5,750
Deputy Presidents Annual Local Government Allowance	\$ 1,438
Presidents Annual Attendance Fee	\$11,200
Councillors Annual Attendance Fee	\$ 5,600
Telecommunications Allowance	\$ 1,000

CARRIED 6/0

Res 144/11

MOVED: Cr Doust

SECONDED: Cr Biddle

2011/12 Municipal Fund Budget

That the 2011/12 budget as presented incorporating the Schedule of Fees & Charges; Minimum Rate; Rates in the Dollar; Significant Accounting Policies and Annual Fees and Allowances for Elected Members be adopted.

CARRIED 6/0

Res 145/11

11 CONFIDENTIAL MATTERS – BEHIND CLOSED DOORS

The President announced that the Chief Executive Officer wanted to brief Council on matters relating to recruitment and employees.

MOVED: Cr Muncey

SECONDED: Cr Oversby

That Council Meet Behind Closed Doors for the purposes of being briefed on matters relating to recruitment and employees.

CARRIED 6/0

Res 146/11

3.46pm – John Eddy, Keith Jones and Maria Lane left the Chambers.

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council reopen the meeting to the public.

CARRIED 6/0

Res 147/11

MOVED: Cr Doust

SECONDED: Cr Biddle

That Council Policy A.01 Senior Employees be amended to include the position of Deputy CEO.

CARRIED 6/0

Res 147/11

4.21pm – John Eddy, Keith Jones and Maria Lane returned to the Chambers.

12 CLOSURE OF MEETING

There being no further business the Shire President, Cr Terry Ginnane declared the meeting closed at 5.04pm.